

REMARKS

The present Amendment is in response to the Office Action mailed June 3, 2008. Claims 1, 12 and 19 are amended. Claims 1-10, 12-17, and 19-26 are now pending in view of the above amendments.

Applicants note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

Applicants also note that the remarks presented herein have been made merely to clarify the claimed embodiments from elements purported by the Examiner to be taught by the cited reference. Such remarks, or a lack of remarks, are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicants: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicants reserve the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Rejection Under 35 U.S.C. § 103

The Office Action rejected claims 1-3, 5-7 and 9-10 under 35 U.S.C. § 103(a) as being unpatentable over Robert's classes: <http://spiritualresponse.com/RDclasses.htm> (*RDclasses*) in view of RHPS currently playing Midnight Shows: <www.rockyhorror.com/midnt.html> (*RHPS*).

Claim 4 was rejected as being unpatentable over *RDclasses* in view of *RHPS* and further in view of "Shortage of ticket sales pulls plug on bethel" (*O'Brien*).

Claim 8 was rejected as being unpatentable over *RDclasses* in view of *RHPS* and further in view of Mckenna: Louisiana State Univ. looking at funding stadium with PSLs (*McKenna*).

Claims 12, 14-16, 19-22 and 24-26 were rejected as being unpatentable over *RDclasses* in view of *RHPS*, further in view of in view of Netflix: Easy DVD Movie Rentals at NetFlix.com (*Netflix*).

Claim 23 was rejected as being unpatentable over *RDclasses* in view of *RHPS*, further in view of in view of *Netflix*, and further view of *McKenna*.

Applicants traverse the Examiner's rejection for obviousness on the grounds that the references – either individually or in combination – fail to teach or suggest each and every element of the rejected claims.

By this paper, Applicants have amended claim 1 to recite in part "...presenting one or more users with at least one search option for selecting a movie based on location ..." Support for this amendment can be found in the application at, for example, paragraph [027] and Figure 2. In contrast, the Examiner has not established that any of the cited references teach or suggest these limitations in combination with the other limitations of claim 1. Applicants thus respectfully submit that the rejection of claim 1 should be withdrawn, at least because the Examiner has not shown that the references, when combined in the purportedly obvious fashion, teach or suggest all the limitations of claim 1.

Applicants have also amended claim 12 to recite in part "...presenting a website having at least one movie selection option based on location ..." Support for this amendment can be found in the application at, for example, paragraphs [019] and [020]. In contrast, the Examiner has not established that any of the cited references teach or suggest these limitations in combination with the other limitations of claim 12. Applicants thus respectfully submit that the rejection of claim 12 should be withdrawn, at least because the Examiner has not shown that the references, when combined in the purportedly obvious fashion, teach or suggest all the limitations of claim 12.

Furthermore, each of the rejected independent claims 1, 12, and 19 has been amended to include "... sending notification to the one or more users..." informing them that the chosen movie will be shown in the theater. Support for these amendments can be found in the application at, for example, paragraphs [036] and [037]. In contrast, the Examiner has not established that any of the cited references teach or suggest these limitations.

The Final Office Action cites the *RDclasses* reference which appears to involve a class schedule and cancellation policy. See *RDclasses*. The particular paragraph of *RDclasses* cited by the Examiner only indicates the date and location of a particular class and reads, in its entirety, "Basic SRT Classes (\$350) Includes the book *The Freedom Path*, charts, and pendulum in price. November 24-27, Austin Texas January 12-15, 2001, Redmond, Washington." *RDclasses* at 1. The Examiner argues that this paragraph "...discloses that the event unless cancelled the event will be held at a particular location at a particular time and the users are notified via the website." *Office Action* at 3.

However, simply displaying a class schedule on a website does not disclose sending notification to one or more users indicating that a particular movie will be shown. Unlike a class schedule displayed on a website, "sending notification" requires an assertive action such as sending an email as indicated in paragraph [036] of the specification. Furthermore, the inference that the presence of a date and location on the website indicates that the event will not be cancelled is inappropriate. While *RDclasses* discloses a cancellation policy, there is nothing in the reference that infers that class cancellations will be reflected on the website. Nothing in the reference indicates that a particular class is not subject to cancellation simply because the class is displayed on the website. Further, nothing in the reference indicates that removing a class from the website necessarily means that the class is cancelled or that it failed to meet the participant threshold. In fact, the cancellation policy states that "All workshops are subject to change or cancellation at anytime ..." *RDclasses* at 2. Therefore, since classes are subject to change or cancellation at anytime, displaying the date and location of the class is not indicative that the class will not be cancelled. Thus,

displaying the date and location of a class on a website does not teach or suggest sending notification to users that a particular movie will take place.

Applicants thus respectfully submit that the rejection of claims 1, 12 and 19 should be withdrawn, at least because the Examiner has not shown that the references, when combined in the purportedly obvious fashion, teach or suggest all the limitations of the claims.

As the foregoing makes clear, the Examiner has failed to establish a *prima facie* case of obviousness with respect to claims 1, 12 and 19, at least because the Examiner has failed to establish that *RDclasses*, *RHPS* and *Netflix*, either alone or in combination, teach or suggest all the claim limitations of claims 1, 12 and 19. Applicants thus respectfully submit that the rejection of claims 1, 12 and 19, as well as the rejection of corresponding dependent claims 2-10, 13-17 and 20-26, should be withdrawn.

CONCLUSION

In view of the foregoing, and consistent with the tentative agreement reached during the Examiner Interview, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 3rd day of December 2008.

Respectfully submitted,

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